Province of Saskatchewan

Annual Report

of the

Saskatchewan

Conflict of Interest Commissioner

Ronald L. Barclay, Q.C.

2011

under *The Members' Conflict of Interest Act*

SASKATCHEWAN
CONFLICT OF INTEREST
COMMISSIONER

Hon. Ronald. L. Barclay, Q.C.
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June 2012

The Honourable Dan D'Autremont
Speaker of the Legislative Assembly
of Saskatchewan
Room 129, Legislative Building
2405 Legislative Drive
REGINA, Saskatchewan
S4S 0B3

Dear Mr. Speaker:

I have the pleasure and honour to present to you the Annual Report of the Conflict of Interest Commissioner for the period of January 1, 2011 to December 31, 2011.

This Report is submitted pursuant to Section 25 of *The Members' Conflict of Interest Act*, Chapter M-11.11, Statutes of Saskatchewan, 1993.

Yours respectfully,

R. L. Barclay

Ronald L. Barclay, Q.C.
Conflict of Interest Commissioner

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ANNUAL REPORT

To the Legislative Assembly

For the Year Ending December 31, 2011

It is an honour and privilege to submit my second Annual Report of the Office of the Conflict of Interest Commissioner for the Province of Saskatchewan. I was formally appointed to a five-year term by Resolution of the Legislative Assembly of Saskatchewan on April 29, 2010.

THE OBLIGATIONS OF MEMBERS

As I stated in my last Annual Report, persons elected to the Legislative Assembly of Saskatchewan are subject to statutory obligations designed to avoid any conduct that may constitute a conflict of interest on the part of the Member. These statutory obligations are set forth in *The Members' Conflict of Interest Act* adopted by the Legislative Assembly nineteen (19) years ago.

Members are prohibited from using information that they have acquired as Members of the Legislative Assembly and which is not available to the general public, for the purpose of advancing the private interest of the Member, his or her family, or an associate. This prohibition is set forth in Section 4 of the *Act*.

> 4 A member shall not use information that is gained in the execution of his or her office and is not available to the general public to further or to seek to further the member's private interest, his or her family's private interest or the private interest of an associate.

Additionally, a Member must not use his or her position to influence other decision makers to advance the private interest of the Member, his or her family or an associate. This prohibition is set forth in Section 5 of the *Act*.

> 5 A member shall not use his or her office to seek to influence a decision made by another person to further the member's private interest, his or her family's private interest or the private interest of an associate.

Members of the Legislative Assembly are prevented by statute from accepting, except in specific circumstances, any gifts or benefits offered to them in respect of the carrying out of the Member's duties. This prohibition is set forth in Section 7 of the *Act*.

7(1) Neither a member nor any of the member's family shall accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of the member's duties of office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) Where a gift or personal benefit mentioned in subsection (2) is greater than $200 in value, or where the total value received directly or indirectly from one source in any 12-month period is greater than $200, the member shall immediately file with the commissioner a disclosure statement.

(4) The disclosure statement required pursuant to subsection (3) shall:

(a) be in the form prescribed by the regulations; and
(b) indicate the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.

The interpretation of the provisions referred to above is based in part on the wording of Section 3 of the *Act* which provides a definition of "conflict of interest".

3 For the purposes of this Act, a member has a conflict of interest when the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest, his or her family's private interest or the private interest of an associate.

NEW MEMBERS ORIENTATION

The general provincial election held on November 7, 2011 resulted in the election of Members who had not previously sat in the Saskatchewan Legislature. On November 15th, I met with newly elected Members and outlined our obligations under the *Act*. A copy of my remarks is reproduced below.

Let me extend my sincere congratulations to each of you on your election on Monday, November 7, 2011, as a Member of the Legislative Assembly of Saskatchewan.

When I was contemplating this speech, I was mindful of the comments of my nine-year old granddaughter who was visiting from Toronto. When I was still a judge, Zoë briefly attended my court when it was in session. At supper I inquired as to her observations. She said "You are boring – all you do is drink water." She paused and then came the final insult. She exclaimed "and you are no Judge Judy!"

Politics in my view is a rewarding profession and if I have any message for you it is to respect your colleague's view even if you disagree with them.

Although our Province has been blessed with a strong economy there are storm clouds approaching and all citizens are looking to their political leaders for assistance and guidance.

We are fortunate to live and reside in a Province that has a good economy, a successful constitutional framework and a legal system that ensures that we live under The Rule of Law.

Democracy has been defined as The Rule of the People. It is a form of government, a way of life and a goal or ideal of which one of the features is freedom of expression and free elections. In my view, the ultimate test of a successful democracy is how the majority treats the minority.

RESPONSIBILITIES OF THE CONFLICT OF INTEREST COMMISSIONER

It is critical to underscore that the Conflict of Interest Commissioner is an Officer of the Legislative Assembly and is independent of Government. In my view, the complete independence granted to the Commissioner is essential in the carrying out of the statutory requirements detailed in *The Members' Conflict of Interest Act*.

It is the responsibility of the Commissioner to ensure that each Member of the Legislative Assembly maintains a high standard of ethical conduct.

A conversation I had as a young lawyer, after arguing a case in the Supreme Court of Canada, with Chief Justice Brian Dickson had a profound influence on me. After encouraging me to accept a judicial appointment, if offered, he said as a judge you only answer to the law and your own conscience. Those words stuck with me through my judicial career. As a result of his advice, I have always been cognizant of the importance of the independence of the judiciary and its effect on the rule of law in a democratic society. The comments of the Chief Justice equally apply to my present role.

The duties of the Commissioner are:

- acts as an **adviser** to Members to ensure they meet their obligations under the *Act*
- meets with each Member at least annually to review the **disclosure** of the Member's financial interests
- **gathers information** in response to requests made under the *Act*
- undertakes a **formal inquiry** into alleged contraventions of the *Act*

The Commissioner's primary role is that of an adviser to Members. I encourage all members to consult with me at the earliest opportunity if they have questions or concerns about their obligations so that potential conflict of interest situations can be avoided. The majority of requests usually come from Ministers, given the wider scope of their duties and their additional obligations under the *Act*.

Requests for opinions come in various forms. Members may have an informal conversation with me, or may make a formal request for a written response. If I decide that a Member has or may have a conflict of interest, I can make a recommendations specifying a timeframe for compliance.

My opinions and recommendations are confidential unless released by the Member or with the Member's consent.

In Saskatchewan, within 90 days after an election and annually by March 31st for each year after that, each Member must file a MEMBER'S PRIVATE DISCLOSURE STATEMENT with me, in the form prescribed by the regulations. This disclosure statement must contain an accounting of the *nature* of the assets, liabilities and financial interests of the Member, the Member's spouse, minor children and private corporations they control.

The disclosure requirements are the same for all Members.

Once the private disclosure statement has been filed with our Office, the Member (and spouse if available) meets with the Commissioner to discuss their obligations under the *Act*. This annual meeting with the Commissioner is required for all Members.

This meeting with Members also helps develop a good working relationship between the Commissioner and the Members. These meetings permit me to raise any issues I may have concerning the member's private disclosure statement as well as to ensure that the information is accurate and complete. It also gives each member an opportunity to inquire about the application of the *Act* to their particular circumstances.

After meeting with the Member, I must prepare a MEMBER'S PUBLIC DISCLOSURE STATEMENT which contains all relevant information provided by the Member (and spouse if applicable). They are filed on-line with the Office of the Clerk of the Legislative Assembly prior to June 30. This annual meeting is most useful not only for me but also for the Members.

It is critical to underscore that these meetings also provide a further opportunity for me to identify and resolve any potential conflicts of interest.

Last year I met with all 58 Members.

They each consulted with me and where necessary, provided me with information I believed was lacking in their private disclosure statement. I was satisfied that each Member was aware of his or her statutory obligations to avoid actual or perceived conflicts of interest in the carrying out of their legislative and executive responsibilities, and each was desirous of observing the letter and spirit of the *Act*.

Since I have been appointed Conflict of Interest Commissioner, all members have complied with these statutory duties and time restraints in the preparation and filing of their disclosure statements. This is not so in Ottawa. I have in my possession a *Leader-Post* article with a picture of Bob Rae and Justin Trudeau on the front page under the headline "15 MP's miss disclosure deadline." That is something Members want to avoid.

My mandate as Conflict of Interest Commissioner is to keep Members off the front page of the papers.

Winston Churchill made the following erudite and humourous comments about democracy and I quote:

> "It has been said that democracy is the worst form of government except all the others that have been tried" and

> "When I am abroad I always make it a rule never to criticize or attack government of my country. I make up for lost time when I get back."

Some time ago I circulated to all Members of the Legislative Assembly a booklet called "Accepting and Disclosing Gifts: A Guide for Members". This booklet provides examples of instances when it is appropriate and inappropriate for MLAs to accept gifts and/or benefits. For reference, I have incorporated the booklet in this Report.

2011

Accepting and Disclosing Gifts

A Guide for Members

Hon. Ronald L. Barclay, Q.C.

Saskatchewan
Conflict of Interest Commissioner

About this Guide

This Guide has been compiled to:

- **Help you understand your obligations under section 7 of *The Members' Conflict of Interest Act*; and**
- **Provide guidance on responding appropriately in a variety of situations involving specific types of gifts.**

This Guide is also available online at

http://www.legassembly.sk.ca

Contact us at:

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ACKNOWLEDGEMENT

This booklet was prepared by the office of the Conflict of Interest Commissioner for the Province of British Columbia. He has kindly agreed to allow us to circulate it to Saskatchewan MLAs.

The necessary changes have been made to comply with Saskatchewan Legislation.

Table of Contents

Overview 4-5

The basic rules for accepting and disclosing gifts, including flowchart.

Specific Types of Gifts 6-15

Examples of common scenarios such as sponsored travel, donations, events and hospitality, gifts from friends and family, prizes and promotional items.

FAQs 16

Answers to some common questions about accepting and disclosing gifts.

Overview

The basic rule is that you are prohibited from accepting a gift given to you in connection with the performance of your duties as an elected official. This applies to gifts given to you either directly or indirectly.

However, there is an exception for gifts given to you as an **"incident of protocol or social obligations"**. In most cases this means a token expression of appreciation or complimentary hospitality in the context of some official interaction. Any such gifts with a likely value of $200 or more must be disclosed

The *Act* requires you to immediately disclose receipt of a gift. Accordingly you should return the disclosure form to our office as soon as possible following acceptance of the gift or of enjoying the hospitality.

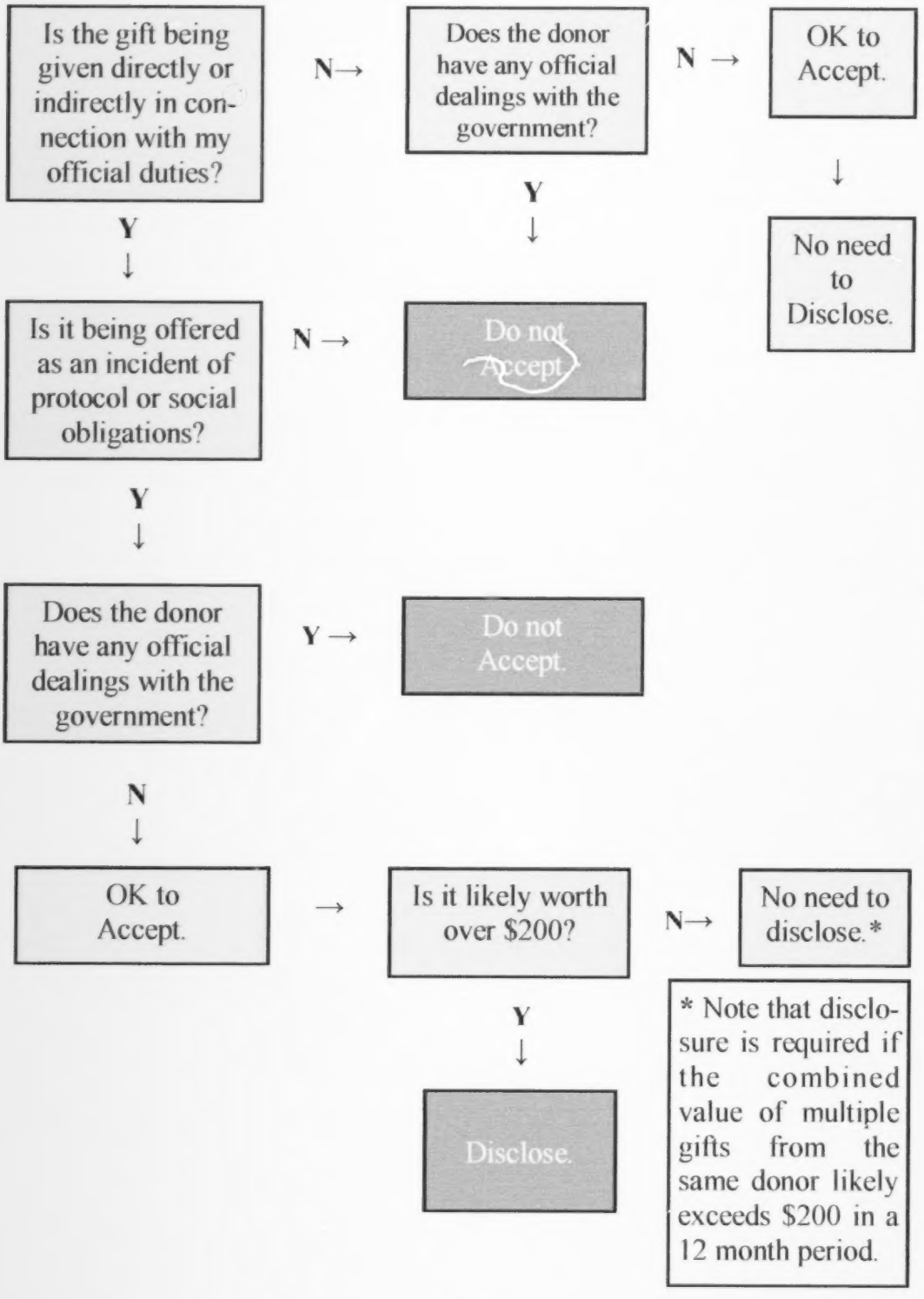
It is important to consider whether the gift is being offered by someone whose interests could be affected by a decision you could be called upon to make, and whether accepting a gift from a particular donor would or would appear to place you under an obligation.

Generally, you should not accept a gift if the donor:

- has, has had or may have official dealings with the government;
- is or may be affected by government programs or policies;
- is or may be regulated by government.

This flowchart summarizes the **general** process to follow when offered a gift.

Accepting and Disclosing Gifts


Is the gift being given directly or indirectly in connection with my official duties?
N→
Does the donor have any official dealings with the government?
N →
OK to Accept.
Y
No need to Disclose.
Y
Is it being offered as an incident of protocol or social obligations?
N →
Do not Accept
Y
Does the donor have any official dealings with the government?
Y →
Do not Accept.
N
OK to Accept.
→
Is it likely worth over $200?
N→
No need to disclose.*
Y
Disclose.
* Note that disclosure is required if the combined value of multiple gifts from the same donor likely exceeds $200 in a 12 month period.

Specific Types of Gifts

Prizes

Whether you may keep a prize depends upon whether you won it while acting in your official capacity or not.

Example 1: While on a family vacation, you win a free airline ticket in the airline's promotional contest.

You may keep the ticket as it is not connected to your official duties. It does not need to be disclosed.

Example 2: You are representing the Province at an event and your name is drawn for the door prize.

As this is a personal benefit connected to carrying out your official duties, it does not fit the exemption and you should graciously decline the door prize.

Even if you intend to forfeit or give away a gift or a prize, keep in mind that your obligations under section 7 of the Act still apply as you are the original recipient.

Regardless of the gift's final disposition, you must still consider whether it is appropriate to accept it in the first place and if so, whether it must be disclosed.

Donating or Forfeiting Gifts

There is no specified threshold for forfeiting or donating gifts, but in practice our office suggests that gifts likely worth over $200 which do not have a personal component should be either left in a government office or donated to a provincially owned institution, such as a museum.

You may also wish to donate a gift you have received to a local community organization or charity. If you decide to donate a gift, you may **not** claim the tax benefit.

Example 1: After giving a speech at a local service club, you are presented with a laptop computer worth $1,200. You would like to donate the laptop to a local non-profit group.

You may accept the gift as an incident of protocol. If you do donate the laptop, you may **not** claim a tax benefit. It must be disclosed as it is worth over $200.

Example 2: You receive a limited edition Robert Batemen print from an oil company operating in your constituency. You would like to donate the print to a local library.

Regardless of whether you intend to keep it or not, you should politely decline this gift, given that the company is in an industry regulated by government.

Donations

Some donors may suggest making a donation to a charity in your name. Any such donations should be made in the donor's name, not in you own. You may **not** claim the tax benefit for any such donation made.

Sponsored Travel

"Sponsored travel" means travel on a commercial, non-commercial or private aircraft at a reduced rate or at no cost.

Most often, this situation arises when you are travelling to a remote location and the only reasonable means of travel available is by private or corporate aircraft.

- Sponsored travel is **generally prohibited**, unless there is no alternative.

- Generally, you may accept sponsored travel if required to take part in a genuine "fact-finding event" related to carrying out your official duties.

You must seek the Commissioner's approval before accepting sponsored travel, or disclose as soon as possible after traveling if pre-approval is not possible in the circumstances.

Describe the circumstances as fully as possible when seeking approval from the Commissioner.

The following chart provides guidance on a variety of sponsored travel scenarios you may encounter.

Circumstances	Acceptable?	Disclose? (If value likely over $200)
Fact-finding tour within Sask. to a remote or inaccessible location, on a corporate or a private aircraft (no commercial flights available).	Yes, if connected to your official duties and there is a benefit to the people of Sask., e.g. the tour relates to an important employment sector in your riding or involves an industry related to your portfolio.	The estimated commercial value of the flight does not need to be disclosed because the gift has been made to the Province rather than to you personally.
Fact-finding tour or trade mission outside of Sask. paid for by another level of government, foreign government or outside agency.	Yes, if there is a logical connection to your official duties and there is a benefit to the people of Sask. such as enhancing trade opportunities.	The cost of the flight does not need to be disclosed because the gift has been made to the Province rather than to you personally.
Travel on a commercial or private aircraft for personal reasons, paid for by friend/family.	Yes, if the friend or family member does not have official dealings with the government.	The value of the travel does not need to be disclosed as it is not connected to your official duties.
Complimentary travel from an airline or other travel company.	**Prohibited.** There is a clear inference of a *quid pro quo* down the line in order to get government business.	

Airmiles/Bonus Points

Travel loyalty program benefits, such as airline frequent flyer points accumulated while traveling on official business, must not be used for personal benefit. Such benefits or discounts should be applied only against future official business travel or donated to a charity. If you donate your points to a charity, you may **not** accept a receipt for personal tax deduction purposes for the value of the points.

Promotional Items

There is a wide range of promotional items that you may be offered from a variety of donors. In most cases, these will be inexpensive trinkets such as pens and bags, but occasionally a more expensive item may be offered.

Regardless of the value of the item, it is important to consider whether it is appropriate for you to be seen to be endorsing or promoting the donor's product or activity.

Generally, items that promote public events or services are more acceptable than those promoting purely commercial interests. You should exercise caution particularly if the donor is regulated by or has official dealings with the government.

Example 1: A museum in a town in your constituency sends you a package which includes pens, posters, and other items promoting the town's 100th anniversary event.

You may accept the items as it is appropriate for you to show your support for such an important local event.

Example 2: You are attending an event sponsored in part by a forestry company. Guests at the event are given a travel mug prominently displaying the company's logo.

Although it is unlikely that such an inexpensive gift would be seen to influence your decision-making process, you should not accept the gift as it could be seen as an endorsement of that company.

Complimentary Passes and Memberships

This part deals with some guidelines on the acceptance of complimentary passes, season tickets and memberships. In summary, acceptability and disclosure depend on **who** the donor is and **how** the benefit will be used.

- *Complimentary passes or memberships to private sports or golf clubs and other purely recreational facilities are generally prohibited.*
- *If the donor is a public institution such as a museum or a zoo, use of the facility is considered a "marketing tool" and may be accepted. It must be disclosed if the value likely exceeds $200.*
- *If the donor is a private entity, it may also be appropriate to accept complimentary use of the facility if it helps you to carry out your responsibilities of office more efficiently.*

Keep in mind that you may only use such privileges while conducting official business.

Example 1: An airline company offers you a free pass to its airport lounges.

As the lounges provide a quiet and comfortable space in which to work while travelling on official business, you may accept. Disclosure is required if it is likely worth over $200.

Example 2: A private golf and country club offers you a free membership.

As there is likely little or no use of the amenities that would help you carry out your official duties, you should decline the offer.

Events and Hospitality

As an elected representative, you are likely to receive invitations to a wide variety of events. These could include sporting events, artistic productions, galas, ceremonies, fundraising dinners and the like. Generally, if the event is taking place in your constituency and you are acting in your official capacity, you may accept complimentary tickets to such events, as well as any attendant hospitality.

If you have an official role at an event, such as giving a speech or meeting foreign dignitaries and your expenses would normally be paid for by the Province, the provision of hospitality is a gift to the Province and does not have to be disclosed.

If the donor is a corporate sponsor, it is important to look at their relationship with government before accepting their invitation.

Charitable Events

Organizers of fundraising events are often grateful for the presence of the constituency's elected representative at their event. Generally, you may accept such invitations as a social obligation. In most cases, the ticket price for a fundraising event is greater than the actual benefit you receive. For disclosure purposes, the value of the gift is the amount of donation that is **not** tax deductible.

Example 1: A homeless shelter in your constituency invites you to a fundraising dinner. Tickets are $300, $225 of which is tax-deductible. The dinner is a personal benefit which you may accept as part of the protocol or social obligations of office. You do not need to disclose the gift as the value received is $75.

Example 2: You have been invited to participate in a charity golf tournament. One of the major corporate sponsors of the event, a pulp mill operator, has offered to cover your entrance fees. As the sponsor is in an industry regulated by the Province, you should pay your own entrance fees if you participate.

The following chart provides guidance on a variety of events and hospitality scenarios you may encounter.

Circumstances	Acceptable?	Disclose? (If value likely over $200)
Attendance at an event where you have an official function, (e.g. giving a speech or presentation.	Yes, if related to your official duties.	The value of the tickets and/or hospitality does not need to be disclosed because the gift is to the Province rather than to you personally.
Attendance at major sporting or cultural events and receptions at the invitation of a corporate sponsor where you have no official function but are attending as an elected representative.	Yes, if related to your role as an elected representative and the donor has no official dealings with the government. Your attendance is acceptable as a "marketing tool" to promote important public events.	Personal benefit that can be accepted as an incident of protocol or social obligations. The value of the tickets/ hospitality must be disclosed.
Tickets to an event/ hospitality from a friend or family member where you have been invited on a personal basis.	Yes, if the donor has no official dealings with the government.	May be accepted as unrelated to your official role and therefore there is no need to disclose.
Tickets to a charitable event given to you by the sponsoring charity.	Yes.	Personal benefit that can be accepted as an incident of protocol or social obligations. The value of the hospitality received should be disclosed. You may not claim a tax benefit.
Tickets to a charitable event given to you by a corporation.	Yes, unless the donor has or is likely to have dealings with government, or is regulated by government.	Personal benefit that can be accepted as an incident of protocol or social obligations. The value of the hospitality received should be disclosed. You may not claim a tax benefit.

Gifts from friends and family members

You may accept gifts from friends and family members in normal gift-giving situations (e.g. birthday, anniversary). However if you receive a gift that is outside the normal gift -giving pattern of your relationship, you should consider whether external factors may be at play before accepting the gift.

A "friend" is someone with whom you have had a long standing personal relationship, extending beyond mere acquaintanceship.

Example 1: You are on friendly terms with your neighbours and you usually exchange token gifts at Christmas time. This year however, your neighbours presented you with a flat screen TV worth several hundred dollars.

Since this is such a departure from the gift-giving norm you have established, ask yourself *why* they have given you such an expensive present. They may have come into some money and given you the gift simply out of generosity. However, if they have any current or potential official dealings with the government, such as a licence application, you should decline the gift as it could appear that it was given in order to influence you in some way.

Example 2: Your spouse's parents are celebrating their wedding anniversary in Maui and have invited you and your family to join them. They have offered to pay for all of your travel expenses. They are retired and do not have any current or potential official dealings with government. You may accept the gift as it is not connected in any way with your official duties.

If a gift is offered to a family member, the same considerations apply as if the gift were given to you directly. This is because the *Act* also applies to gifts given to you indirectly.

Example 1: A local business competing for a government contract sends your daughter a complimentary ski pass to a ski resort.

Unless there are circumstances that indicate otherwise, it looks like the gift may have been given to your daughter because of her relationship to you. In effect, the gift was indirectly given to you. The gift should not be accepted as it appears to place you under an obligation to the donor.

Example 2: You have been invited to a leadership awards ceremony sponsored by the Chamber of Commerce. The invitation includes your spouse. Tickets to the ceremony cost $150 each.

You may accept the free tickets as part of the protocol or social obligations of office. If you attend on your own, you do not need to disclose the gift as the value of the personal benefit is less than $200. However if your spouse attends with you, disclosure is required as the combined value of both tickets is more than $200.

Your spouse and dependent children are considered your "family members".

FAQ

Q. Are there any types of gifts that are prohibited?

A. You may not accept cash or gift certificates under any circumstances. You must never solicit a gift.

Q. What if I have already accepted a gift, and later discover that I shouldn't have done so?

A. In most cases, you will simply be able to return the gift with a polite letter of explanation. However, sometimes this will not be possible (e.g. hospitality or travel that has already been enjoyed). If this is the case, you should determine the value of the benefit received, and return that amount to the donor. You should provide copies of any related correspondence to the Commissioner.

Q. Where can I get disclosure forms?

A. Forms are readily available from our office. You can reach us by phone at (306) 787-8351 or by email at rbarclay@legassembly.sk.ca.

Q. What if the gift is something that cannot be purchased, such as tickets to the team suite at a professional sporting event?

A. You should disclose the gift and declare that it has "no commercial value."

CANADIAN CONFLICT OF INTEREST NETWORK ANNUAL CONFERENCE

In September of 2011, I attended the annual conference of the Canadian Conflict of Interest Network (CCOIN) which took place in Victoria, British Columbia.

CCOIN is comprised of the various Ethics and Conflict of Interest Commissioners across the country at the federal, provincial and territorial levels of government and primarily those who have jurisdiction over members of legislative bodies.

We meet on an annual basis to discuss issues of common interest and to seek the advice and view of colleagues concerning matters related to conflicts of interest and ethics. These meetings are very beneficial to me as there are many Canadians who carry out legislative and executive responsibilities similar to the 58 Members of the Saskatchewan Legislative Assembly and I find it helpful to learn at the annual conference how my colleagues deal with issues that are common or unique to this aspect of our democratic process.

This informal network is also a valuable resource throughout the year. Commissioners stay in touch via e-mail and are able to connect with colleagues to seek their views on issues as they arise.

LEGISLATIVE INTERNS

On January 20, 2012 I met with the legislative interns and provided them with an overview of my mandate. They had been selected and sponsored by the Saskatchewan Legislative Assembly, the University of Saskatchewan and the University of Regina.

EXEMPTIONS GRANTED BY THE COMMISSIONER UNDER SECTION 16(1) OF THE *ACT*

In June of last year, I made an order permitting Mr. Gordon Wyant, M.L.A. to participate in a government contract.

My order provides as follows:

> Prior to being elected to the Legislative Assembly of the Province of Saskatchewan in October of 2010, Gordon Wyant, M.L.A. was a partner in a major Saskatchewan law firm McKercher LLP with offices in Saskatoon and Regina.
>
> The firm was providing legal services to the Government of Saskatchewan and to Saskatchewan Crown corporations.
>
> Mr. Wyant, after he was elected, consulted me with respect to his compliance obligations under *The Members' Conflict of Interest Act* ("the *Act*"). I pointed out to Mr. Wyant the provisions of Section 15 of the *Act*. Subsection 15(5) of the *Act* provides as follows:
>
> > (5) Except as specifically provided in this or any Act, no member shall participate in a government contract.
>
> Subsection 15(1) provides that "government contract" means a contract entered into with the Crown for any purpose including the sale, lease or other disposition of any real property to or by the Crown.
>
> Subsection 1(d) establishes that Crown means Her Majesty the Queen in right of Saskatchewan and includes Crown corporations.
>
> Mr. Wyant advised me that as of January 1st of this year he has made the necessary arrangements with the firm not to participate in or benefit financially from any government of Saskatchewan or Saskatchewan Crown corporations, contracts.
>
> In respect to the period prior to the 1st of January of this year and after he was elected as an M.L.A. which was October 18th, 2010, Mr. Wyant made application for an exemption pursuant to Section 16(4) of the *Act*. Section 16 of the *Act* reads in part as follows:
>
> > 16(1) A member may apply to the commissioner for approval to participate in a government contract.

(2) The commissioner may approve a member's participation in a government contract, if in the opinion of the commissioner:

(a) the consideration and terms of the government contract are fair and reasonable; and

(b) it is not contrary to the public interest to allow the member to participate.

(3) The commissioner may impose any terms and conditions that the commissioner considers appropriate on an approval given pursuant to subsection (2).

(4) Notwithstanding section 15, a member may participate in a government contract if:

(a) the commissioner has given his or her approval pursuant to this section; and

(b) the member complies with the terms and conditions, if any, imposed by the commissioner on the approval.

I have come to the conclusion that he has since the 1st of January refrained from participating in or benefitting financially from these contracts and as the period requested for exemption is for such a short period of time and as any benefit he may receive from this period is minimal particularly where he has many partners who will benefit from the contract, I have concluded that it is not contrary to the public interest to allow Mr. Wyant to participate in the government of Saskatchewan or Saskatchewan Crown corporation contracts with the firm during the period from October 18th to December 31st, 2010.

I therefore allow the necessary exemption.

SASKATCHEWAN
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COMMISSIONER

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June 12, 2012

Responsibility for the Financial Statements

The accompanying financial statements are the responsibility of the Office of the Conflict of Interest Commissioner (Office). The financial statements have been prepared in accordance with Canadian public sector accounting standards.

The Office maintains appropriate systems of internal control, including policies and procedures which provide reasonable assurance that the Office's assets are safeguarded and that financial records are relevant and reliable.

The Provincial Auditor of Saskatchewan conducts an independent audit of the financial statements. Her examination is conducted in accordance with Canadian generally accepted auditing standards and includes tests and other procedures which allow her to report on the fairness of the financial statements.

Ronald L. Barclay, Q.C.
Saskatchewan Conflict of Interest Commissioner

PROVINCIAL AUDITOR
of Saskatchewan

INDEPENDENT AUDITOR'S REPORT

To: The Members of the Legislative Assembly of Saskatchewan

I have audited the accompanying financial statements of the Office of the Conflict of Interest Commissioner, which comprise the statement of financial position as at March 31, 2012, and the statements of operations and accumulated surplus, changes in net financial assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Conflict of Interest Commissioner as at March 31, 2012, and the results of its operations, changes in its net assets, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Bonnie Lysyk

Regina, Saskatchewan
June 12, 2012

Bonnie Lysyk, MBA, CA
Provincial Auditor

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OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER

FINANCIAL STATEMENTS

For the Year Ended March 31, 2012

OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER
STATEMENT OF FINANCIAL POSITION
AS AT MARCH 31

	2012	2011
Financial assets		
Due from the General Revenue Fund	$ 75	$ 1,517
Financial liabilities		
Accounts payable and accrued liabilities	75	1,517
Net financial assets (Statement 3)	-	-
Non-financial assets		
Tangible capital assets (Note 4)	5,793	12,250
Accumulated surplus (Statement 2)	$ 5,793	$ 12,250

(See accompanying notes to the financial statements)

OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER
STATEMENT OF OPERATIONS AND ACCUMULATED SURPLUS
FOR THE YEAR ENDED MARCH 31

	2012		2011
	Budget	Actual	Actual
	Note 3		
Revenues			
General Revenue Fund - Appropriation Funding	$ 145,000	$ 128,079	$ 297,868
Expenses			
Salaries	113,000	111,088	108,707
Office rent	11,200	11,743	10,063
Amortization	-	6,457	6,455
Travel	3,800	1,530	1,568
Supplies and equipment rental	2,000	1,064	1,922
Advertising and printing	500	1,002	132
Other	7,000	839	935
Telephone	1,500	813	1,231
Legal services	6,000	-	152,825
Administration	-	-	1,780
Total expenses	145,000	134,536	285,618
(Deficit) surplus for the year	$ -	(6,457)	12,250
Accumulated surplus, beginning of year		12,250	-
Accumulated surplus, end of year (Statement 1)		$ 5,793	$ 12,250

(See accompanying notes to the financial statements)

OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER
STATEMENT OF CHANGES IN NET FINANCIAL ASSETS
FOR THE YEAR ENDED MARCH 31

	2012	2011
(Deficit) surplus for the year	$ (6,457)	$ 12,250
Acquisition of tangible capital assets	-	(18,705)
Amortization of tangible capital assets	6,457	6,455
	6,457	(12,250)
Increase in net financial assets	-	-
Net financial assets, beginning of year	-	-
Net financial assets, end of year (Statement 1)	$ -	$ -

(See accompanying notes to the financial statements)

OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED MARCH 31

	2012	2011
Cash flows from (used in) operating activities:		
Cash received from:		
General Revenue Fund appropriation received	$ 129,521	$ 296,583
Cash paid for:		
Salaries	(111,088)	(108,707)
Supplies and other expenses	(18,433)	(169,171)
	(129,521)	(277,878)
Cash provided by operating activities	-	18,705
Cash flows from (used in) investing activities:		
Purchase of tangible capital assets	-	(18,705)
Increase (decrease) in cash and cash equivalents	-	-
Cash and cash equivalents, beginning of year	-	-
Cash and cash equivalents, end of year	$ -	$ -

(See accompanying notes to the financial statements)

OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED MARCH 31, 2012

1. Authority and Description of Operations

The *Members' Conflict of Interest Act* establishes the Office of the Conflict of Interest Commissioner. The Commissioner is an officer of the Legislative Assembly and is appointed by resolution of the Assembly. The mandate of the Office is to coordinate disclosure of assets held by Members, provide advice on conflict of interest issues, conduct inquiries and provide opinions on compliance with the *Members' Conflict of Interest Act* if requested by a Member, the President of Executive Council or the Legislative Assembly.

2. Significant Accounting Policies

The Office uses Canadian public sector accounting standards to prepare its financial statements. The following accounting policies are considered to be significant.

(a) Revenue

The Office receives an appropriation from the Legislative Assembly to carry out its work. General Revenue Fund appropriations are included in revenue when amounts are spent or committed.

(b) Tangible capital assets

Tangible capital assets are reported at cost less accumulated amortization. Tangible capital assets are amortized on a straight-line basis over a life of five years except for leasehold improvements which are amortized over 2 years.

3. Budget

These amounts represent funds appropriated by the Board of Internal Economy to enable the Commissioner to carry out his duties under *The Members' Conflict of Interest Act* . The Office's expenses are limited to the amount appropriated to it by the Legislative Assembly.

4. Tangible Capital Assets

	Computer Hardware	Equipment & Furniture	Leashold Improvements	Total 2012	Total 2011
Cost, April 1	$ 1,011	$ 8,644	$ 9,050	$ 18,705	$ -
Additions in year	-	-	-	-	18,705
Disposals in year	-	-	-	-	-
Cost, March 31	1,011	8,644	9,050	18,705	18,705
Accumulated Amortization April 1	(202)	(1,729)	(4,525)	(6,456)	-
Amortization in year	(202)	(1,729)	(4,525)	(6,456)	(6,455)
Adjustment for disposals in year	-	-	-	-	-
Accumulated Amortization March 31	(404)	(3,458)	(9,050)	(12,912)	(6,455)
Net Book Value	$ 607	$ 5,186	$ -	$ 5,793	$ 12,250

5. Costs Borne by Other Agencies

The Office has not been charged with certain administrative costs. These costs are borne by the Legislative Assembly. No provision for these costs is reflected in these financial statements.

6. Lapsing of Appropriation

The Office follows *The Financial Administration Act, 1993* with regards to its spending. If the Office spends less than its appropriation by March 31, the difference is not available to acquire goods and services in the next fiscal year.

7. Financial Instruments

The Office's financial instruments include Due from the General Revenue Fund and accounts payable. The carrying amount of these instruments approximates fair value due to their immediate or short-term maturity. These instruments have no significant interest rate and credit risk.

8. Comparative Figures

Certain 2011 comparative figures have been reclassified to conform with the current year's presentation.

BUDGET FOR 2012

The estimated budget for 2012 is the sum of $145,000.

	ESTIMATES 2012-13
Personal Services	$114,000
Contractual Services	$ 24,200
Advertising	$ 500
Travel and Business	$ 3,700
Supplies and Services	$ 1,600
Equipment and Other Assets	$ 1,000
TOTAL	**$145,000**

EXPRESSION OF APPRECIATION

I wish to express my appreciation to Deb Zick my executive assistant and to Ron Samways from the Clerk of the Legislative Assembly Office for their assistance. Our achievements could not have been possible without their dedication and contributions. I extend my sincere thanks to each of them for their valuable service.

The persons that are employed in the offices of the Speaker, the Clerk of the Legislative Assembly and Financial Services have also been of great assistance to me. Their help has been invaluable and I express my sincere thanks to all of them.